

TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court **Southern District of Florida** on the following

☒ Trademarks or ☐ Patents. ( ☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. <b>11-60171-CV-014A</b>	DATE FILED <b>1/26/2011</b>	U.S. DISTRICT COURT <b>Southern District of Florida</b>
PLAINTIFF  <b>Tiffany (NJ), LLC et al</b>		DEFENDANT  <b>Liu Zheng et al</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
<b>1 0,022,573</b>	<b>9/5/1893</b>	<b>Tiffany &amp; Co</b>
<b>2 0,139,063</b>	<b>7/6/1920</b>	<b>Tiffany</b>
<b>3 1,228,189</b>	<b>2/22/1983</b>	<b>Tiffany &amp; Co.</b>
<b>4 1,228,409</b>	<b>2/22/1983</b>	<b>Tiffany</b>
<b>5 1,223,306</b>	<b>6/26/1984</b>	<b>Tiffany &amp; Co.</b>

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
<b>1 1,669,365</b>	<b>2,886,655</b>	
<b>2 1,787,861</b>		
<b>3 1,799,272</b>		
<b>4 1,804,353</b>		
<b>5 2,359,351</b>		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK <b>Steven M. Larimore</b>	(BY) DEPUTY CLERK 	DATE <b>2/1/2011</b>
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO.**

TIFFANY (NJ), LLC,  
a Delaware limited liability company

Plaintiff,

vs.

LIU ZHENG a/k/a LAO ZHANG a/k/a TAN  
XUEMEI, XIANHONG KE a/k/a CHEN  
LING, QUNREN XU, and DOES 1-10,

Defendants.

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff, Tiffany (NJ), LLC, a Delaware limited liability company ("Tiffany") hereby sues Defendants Liu Zheng a/k/a Lao Zhang a/k/a Tan Xuemei ("Zheng"), Xianhong Ke a/k/a Chen Ling ("Ke"), Qunren Xu ("Xu"), and Does 1-10 (collectively "Defendants"), individually and jointly, doing business and conspiring to do business as the domain names identified on Schedule "A" hereto (the "Subject Domain Names") and alleges as follows:

**JURISDICTION AND VENUE**

1. This is an action pursuant to 15 U.S.C. §§ 1114, 1116, 1121, 1125(a) and (d). Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338. Venue is proper in this Court pursuant 28 U.S.C. § 1391, since Defendants are, upon information and belief, aliens whom conduct substantial infringing activities and cause harm within this District. Defendants are subject to personal jurisdiction in this District because they direct business activities toward and conduct business with consumers within this District through at

least the fully interactive, commercial Internet websites operating under the Subject Domain Names.

**THE PLAINTIFF**

2. Tiffany is a Delaware limited liability company, with its principal place of business in the United States located at 15 Sylvan Way, Parsippany, NJ 07054. Tiffany has been engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, a variety of high quality luxury goods under multiple world famous common law and Federally registered trademarks including those identified in Paragraph 10 below. Tiffany operates boutiques within this Judicial District. Tiffany regularly enforces its intellectual property rights and authorized that this action be brought in its name.

**THE DEFENDANTS**

3. Defendants are individuals and/or business entities of unknown makeup who likely reside in the People's Republic of China. Defendants conduct business throughout the United States, including within this Judicial District through the operation of the fully interactive commercial websites existing under the Subject Domain Names. Defendants also operate blog style websites under some of the Subject Domain Names which also provide support and direct customer traffic to the fully interactive websites operating under the other Subject Domain Names. Defendants are directly and personally contributing to, inducing and engaging in the sale of counterfeit products as alleged herein, often times as partners, co-conspirators and/or suppliers. Upon information and belief Defendants use the alias Tiffany, in conjunction with the operation of the Subject Domain Names. Tiffany is presently unaware of the true names of Does 1-10 and will amend this Complaint upon discovery of the identities of such fictitious Defendants.

4. Defendants are the past and present moving and conscious forces behind the operation of the commercial Internet websites operating under the Subject Domain Names.

5. Upon information and belief, Defendants engage in the offering for sale and sale of counterfeit and infringing Tiffany branded products within this Judicial District through multiple fully interactive commercial websites operating under at least the Subject Domain Names. Defendants have purposefully directed their illegal activities towards consumers in the State of Florida through the advertisement, offer to sell, sale and shipment of counterfeit Tiffany branded goods into the State.

6. Upon information and belief, Defendants will continue to register new domain names for the purpose of selling goods bearing counterfeits of Tiffany's trademarks unless preliminarily and permanently enjoined.

7. Defendants' entire Internet-based website businesses amount to nothing more than a massive illegal operation, infringing on the intellectual property rights of Tiffany and others.

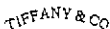


8. Defendants have registered, established or purchased and maintained the Subject Domain Names. Upon information and belief, Defendants have engaged in fraudulent conduct with respect to the registration of the Subject Domain Names by providing false and/or misleading information to their various Registrars during the Registration process.

9. Defendants' Subject Domain Names and any other domain names used in connection with the sale of counterfeits bearing Tiffany's trademarks are essential components of Defendants' counterfeiting and infringing activities. The Subject Domain Names themselves are the means by which Defendants further their counterfeiting scheme and cause harm to Tiffany. Moreover, Defendants are using Tiffany's famous name and trademarks to drive Internet

consumer traffic to their websites operating under the Subject Domain Names, thereby creating and increasing the value of the Subject Domain Names at Tiffany's expense.

**COMMON FACTUAL ALLEGATIONS**

10. Tiffany is the owner and/or exclusive licensee of all rights in and to the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office:

<u>Mark</u>	<u>Registration Number</u>	<u>Registration Date</u>
	0,023,573	September 5, 1893
TIFFANY	0,133,063	July 6, 1920
TIFFANY & CO.	1,228,189	February 22, 1983
TIFFANY	1,228,409	February 22, 1983
TIFFANY & CO.	1,283,306	June 26, 1984
T & CO.	1,669,365	December 24, 1991
PERETTI	1,787,861	August 17, 1993
ELSA PERETTI	1,799,272	October 19, 1993
	1,804,353	November 16, 1993
	2,359,351	June 20, 2000
ATLAS	2,886,655	September 21, 2004

(collectively the "Tiffany Marks") which are registered in International Class 14, and are used in connection with the manufacture and distribution of, among other things, jewelry, including necklaces, bracelets, pendants, earrings and rings, cuff links, key rings, and money clips.

11. The Tiffany Marks have been used in interstate commerce to identify and distinguish Tiffany's high quality jewelry, including necklaces, bracelets, pendants, earrings and rings, cuff links, key rings, money clips, and other goods for an extended period of time. The Tiffany Marks have never been assigned or licensed to any of the Defendants in this matter.

12. The Tiffany Marks are symbols of Tiffany's quality, reputation and goodwill and have never been abandoned.

13. Further, Tiffany has expended substantial time, money and other resources developing, advertising and otherwise promoting the Tiffany Marks. The Tiffany Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

14. Tiffany has extensively used, advertised and promoted the Tiffany Marks in the United States in association with the sale of high quality jewelry, including necklaces, bracelets, pendants, earrings and rings, cuff links, key rings, and money clips, and has carefully monitored and policed the use of the Tiffany Marks.

15. As a result of Tiffany's efforts, members of the consuming public readily identify merchandise bearing or sold under the Tiffany Marks, as being high quality merchandise sponsored and approved by Tiffany.

16. Accordingly, the Tiffany Marks have achieved secondary meaning as identifiers of high quality jewelry, including necklaces, bracelets, pendants, earrings and rings, cuff links, key rings, and money clips as a result of Tiffany's advertisement, promotion and sale of high quality goods thereunder. Specifically, for many years Tiffany has advertised goods under the Tiffany Marks in widely circulated newspapers such as *Women's Wear Daily*, and popular magazines such as *Harper's Bazaar* and *Vogue*.

17. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Tiffany's ownership of the Tiffany Marks, including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

18. Tiffany has discovered Defendants are promoting and otherwise advertising, distributing, selling and/or offering for sale at least jewelry, including necklaces, bracelets, pendants, earrings and rings, cuff links, key rings, and money clips bearing counterfeit and infringing trademarks which are exact copies of the Tiffany Marks (the "Counterfeit Goods"). Specifically, upon information and belief, Defendants are using the Tiffany Marks in the same stylized fashion, for different quality goods.

19. Upon information and belief, Defendants' Counterfeit Goods are of a quality substantially different than that of Tiffany's genuine goods. Despite the nature of their Counterfeit Goods and the knowledge they are without authority to do so, Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing, selling and/or offering for sale substantial quantities of their Counterfeit Goods with the knowledge that such goods will be mistaken for the genuine high quality goods offered for sale by Tiffany. The net effect of Defendants' actions will be to result in the confusion of consumers who will believe Defendants' Counterfeit Goods are genuine goods originating from, associated with, and approved by Tiffany.

20. Defendants advertise their Counterfeit Goods for sale to the consuming public via at least the websites operating under the Subject Domain Names. In so advertising these products, Defendants use the Tiffany Marks. Indeed, Defendants herein misappropriated Tiffany's advertising ideas and entire style of doing business with regard to the advertisement and sale of Tiffany's genuine goods. Upon information and belief, the misappropriation of

Tiffany's advertising ideas in the form of the Tiffany Marks has occurred, in part, in the course of Defendants' advertising activities and has been the proximate cause of damage to Tiffany.

21. Upon information and belief, Defendants are conducting their counterfeiting and infringing activities and causing harm at least within this Judicial District and elsewhere throughout the United States. As a result, Defendants are defrauding Tiffany and the consuming public for Defendants' own benefit. Defendants' infringement and disparagement of Tiffany and its trademarks does not simply amount to the wrong description of their goods or the failure of the goods to conform to the advertised quality or performance.

22. Defendants' use of the Tiffany Marks, including the promotion and advertising, reproduction, distribution, sale and offering for sale of their Counterfeit Goods, is without Tiffany's consent or authorization.

23. Further, Defendants are engaging in the above-described illegal counterfeiting and infringing activities knowing and intentionally or with reckless disregard or willful blindness to Tiffany's rights for the purpose of trading on the goodwill and reputation of Tiffany. If Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, Tiffany and the consuming public will continue to be damaged.

24. Defendants' above identified infringing activities are likely to cause confusion, deception and mistake in the minds of consumers, the public and the trade. Moreover, Defendants' wrongful conduct is likely to create a false impression and deceive customers, the public and the trade into believing there is a connection or association between Tiffany's genuine goods and Defendants' Counterfeit Goods.

25. Tiffany has no adequate remedy at law.



26. Tiffany is suffering irreparable injury and has suffered substantial damages as a result of Defendants' counterfeiting and infringing activities.

27. The injuries and damages sustained by Tiffany have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of their Counterfeit Goods.

28. Tiffany has retained the undersigned counsel to represent it in this matter and is obligated to pay said counsel a reasonable fee for such representation.

**COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT**

29. Tiffany hereby readopts and re-alleges the allegations set forth in Paragraphs 1 through 28 above.

30. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeits of the Tiffany Marks in commerce in connection with the promotion, advertisement, distribution, sale and/or offering for sale of their Counterfeit Goods.

31. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale and distributing at least jewelry, including necklaces, bracelets, pendants, earrings and rings, cuff links, key rings, and money clips bearing counterfeits and infringements of one or more of the Tiffany Marks. Defendants are continuously infringing and inducing others to infringe the Tiffany Marks by using them to advertise, promote and sell jewelry, including necklaces, bracelets, pendants, earrings and rings, cuff links, key rings, and money clips bearing the Tiffany Marks.

32. Defendants' counterfeiting and infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the

general consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing the Tiffany Marks.

33. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Tiffany.

34. Defendants' above-described illegal actions constitute counterfeiting and infringement of the Tiffany Marks in violation of Tiffany's rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

35. Tiffany has suffered and will continue to suffer irreparable injury due to the above described activities of Defendants if Defendants are not preliminarily and permanently enjoined.

**COUNT II - FALSE DESIGNATION OF ORIGIN  
PURSUANT TO § 43(a) OF THE LANHAM ACT**

36. Tiffany hereby readopts and re-alleges the allegations set forth in Paragraphs 1 through 28 above.

37. Defendants' Counterfeit Goods bearing and sold under the Tiffany Marks have been widely advertised and distributed throughout the United States.

38. Defendants' Counterfeit Goods bearing and sold under the Tiffany Marks are virtually identical in appearance to Tiffany's genuine goods. However, Defendants' Goods are different and likely inferior in quality. Accordingly, Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of their Counterfeit Goods.

39. Defendants, upon information and belief, have used in connection with their sale of the Counterfeit Goods, false designations of origins and false descriptions and representations, including words or other symbols and trade dress which tend to falsely describe or represent such goods and have caused such goods to enter into commerce with full knowledge of the falsity of

such designations of origin and such descriptions and representations, all to the detriment of Tiffany.

40. Specifically, Defendants have authorized an infringing use of the Tiffany Marks, in Defendants' advertisement and promotion of their Counterfeit Goods. Defendants have misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing goods.

41. Defendants' above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

42. Tiffany has sustained injury and damage caused by Defendants' conduct, and absent an entry of an injunction by this Court, Tiffany will continue to suffer irreparable injury to its goodwill and business reputation as well as monetary damages.

**COUNT III - CLAIM FOR RELIEF FOR CYBERPIRACY  
UNDER §43(d) OF THE LANHAM ACTION, 15 U.S.C. §1125(d)**

43. Tiffany hereby readopts and re-alleges the allegations set forth in Paragraphs 1 through 28 above.

44. At all times relevant hereto, Tiffany has been and still is the owner of the rights, title and interest in and to the Tiffany Marks.

45. Upon information and belief, Defendants have acted with the bad faith intent to profit from the Tiffany Marks and the goodwill associated with the Tiffany Marks by registering domain names, including at least buy-tiffanys.net, tiffanycow.com, tiffanycows.com, tiffany-jewelry.co, tiffanymade.com, and tiffanymvp.com, which are identical, confusingly similar to or dilutive of at least one of the Tiffany Marks.

46. Defendants have no intellectual property rights in or to the Tiffany Marks.

47. Defendants' actions constitute cyberpiracy in violation of §43(d) of the Lanham Act, 15 U.S.C. §1125(d).

48. Defendants' conduct is done with knowledge and constitutes a willful violation of Tiffany's rights in the Marks. At a minimum, Defendants' conduct is in reckless disregard of Tiffany's rights or demonstrates willful blindness to Tiffany's rights.

49. The aforesaid conduct is causing Tiffany immediate and irreparable injury. Tiffany has no adequate remedy at law.

**PRAYER FOR RELIEF**

50. WHEREFORE, Tiffany demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief, jointly and severally, against Defendants as follows:

a. Entry of preliminary and permanent injunctions enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or diluting the Tiffany Marks; from using the Tiffany Marks, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress which may be calculated to falsely advertise the services or products of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with Tiffany; from falsely representing themselves as being connected with Tiffany, through sponsorship or association, or engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants, are in any way endorsed by, approved by, and/or associated with Tiffany; from

using any reproduction, counterfeit, copy, or colorable imitation of the Tiffany Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants, including, without limitation, jewelry, including necklaces, bracelets, pendants, earrings and rings, cuff links, key rings, and money clips; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' Goods as being those of Tiffany, or in any way endorsed by Tiffany and from offering such goods in commerce; and from otherwise unfairly competing with Tiffany.

b. Entry of an order requiring the Subject Domain Names, and any other domain names being used by Defendants to engage in the business of selling counterfeit and infringing Tiffany branded goods, to be ordered disabled and/or immediately transferred by Defendants, their Registrars, the Registries and/or the Internet Corporation for Assigned Names and Numbers (ICANN) to Tiffany's control.

c. Entry of an Order that, upon Tiffany's request, the top level domain (TLD) Registries for the Subject Domain Names place the Subject Domain Names on Registry Hold status, thus removing them from the TLD zone files maintained by the Registries which link the Subject Domain Names to the IP address where the associated websites are hosted.

d. Entry of an Order that, upon Tiffany's request, those in privity with Defendants, and those with notice of the injunction, including any Internet search engines, Web hosts, domain-name registrars and domain-name registries that are provided with notice of the injunction, cease facilitating access to any or all websites through which Defendants engage in the sale of counterfeit and infringing goods using the Tiffany Marks.

c. Entry of an Order that, upon Tiffany's request, the Internet Corporation for Assigned Names and Numbers ("ICANN") shall take all actions necessary to ensure that the top level domain Registries responsible for the Subject Domain Names transfer and/or disable the Subject Domain Names.

f. Entry of an Order requiring Defendants to account to and pay Tiffany for all profits and damages resulting from Defendants' trademark infringing and counterfeiting activities and that the award to Tiffany be trebled, as provided for under 15 U.S.C. §1117, or, at Tiffany's election with respect to Count I, that Tiffany be awarded statutory damages from each Defendant in the amount of two million dollars (\$2,000,000.00) per each counterfeit Tiffany Mark used and product sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

g. Entry of an Order requiring Defendants to account to and pay Tiffany for all profits and damages resulting from Defendants' cyberpiracy activities and that the award to Tiffany be trebled, as provided for under 15 U.S.C. §1117, or, at Tiffany's election with respect to Count III, that Tiffany be awarded statutory damages from Defendants in the amount of one hundred thousand dollars (\$100,000.00) per pirated domain name used as provided by 15 U.S.C. §1117(d) of the Lanham Act.

h. Entry of an award of Tiffany's costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

i. Entry of an award of pre-judgment interest on the judgment amount.

j. Entry of an Order for any further relief as the Court may deem just and proper.

Dated: January 26, 2011

STEPHEN M. GAFFIGAN, P.A.

By: s:/smgaffigan/  
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Attorneys for Plaintiff Tiffany (NJ), LLC

**SCHEDULE "A"**  
**SUBJECT DOMAIN NAMES**

1. bagsmasses.com
2. buy-tiffanys.net
3. domainike.com
4. honey-replicas.com
5. shipinliao.info
6. tiffanycow.com
7. tiffanycows.com
8. tiffany-jewelry.co
9. tiffanymade.com
10. tiffanymvp.com



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

# I. (a) PLAINTIFFS

TIFFANY (NJ), LLC, a Delaware limited liability company

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Stephen M. Gaffigan/STEPHEN M. GAFFIGAN, P.A.  
401 East Las Olas Blvd., Suite 130-453, Ft. Lauderdale, Florida 33301  
(954) 767-4819

# DEFENDANTS

LIU ZHENG a/k/a LIAO ZHANG a/k/a TAN XUEMEI, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: ☐ MIAMI-DADE ☐ MONROE ☒ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

# II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

# III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendants)

- (For Diversity Cases Only)
- |                                         | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |

# IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	PROPERTY INJURY	FOREFEITURE/PENALTY	BANKRUPTCY	OTHER STATUS
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 360 Personal Injury	<input type="checkbox"/> 410 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 420 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 425 Drug Related Statute of Property 21 USC 881	<input type="checkbox"/> 430 Bank and Banking	<input type="checkbox"/> 430 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Personal Injury Product Liability	<input type="checkbox"/> 610 Liquor Laws	<input type="checkbox"/> 440 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 375 Other Personal Injury Product Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 480 Cable/Sat TV
<input type="checkbox"/> 152 Recovery of Delinquent Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 490 Consumer Credit	<input type="checkbox"/> 500 Securities/Commodities/Exchange
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 390 Other Personal Injury Product Liability	<input type="checkbox"/> 660 Desapational Safety/Health	<input type="checkbox"/> 510 Selective Service	<input type="checkbox"/> 520 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 395 Other Personal Injury Product Liability	<input type="checkbox"/> 680 Other	<input type="checkbox"/> 530 Securities/Commodities/Exchange	<input type="checkbox"/> 540 Securities/Commodities/Exchange
<input type="checkbox"/> 170 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Other Personal Injury Product Liability	<input type="checkbox"/> 700 Fair Labor Standards Act	<input type="checkbox"/> 550 Securities/Commodities/Exchange	<input type="checkbox"/> 575 Customer Challenge
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 440 Civil Rights	<input type="checkbox"/> 410 Prisoner Petitions	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 580 Social Security	<input type="checkbox"/> 590 Other Statutory Actions
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 415 Motions to Vacate Sentences	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 590 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 600 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 420 Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 610 Federal Tax Suits	<input type="checkbox"/> 610 Economic Sanitation Act
<input type="checkbox"/> 220 Leasehold	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 425 Death Penalty	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 620 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 620 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 430 General	<input type="checkbox"/> 760 Other Labor Litigation	<input type="checkbox"/> 630 Taxes (Third Party)	<input type="checkbox"/> 630 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 445 Amer. w/Disabilities Employees	<input type="checkbox"/> 435 Mandamus & Other	<input type="checkbox"/> 770 Other Labor Litigation	<input type="checkbox"/> 640 Taxes (Third Party)	<input type="checkbox"/> 640 Freedom of Information Act
<input type="checkbox"/> 241 Tort Product Liability	<input type="checkbox"/> 446 Amer. w/Disabilities Other	<input type="checkbox"/> 440 Civil Rights	<input type="checkbox"/> 780 Other Labor Litigation	<input type="checkbox"/> 650 Taxes (Third Party)	<input type="checkbox"/> 650 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 449 Other Civil Rights	<input type="checkbox"/> 445 Prison Condition	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 660 Taxes (Third Party)	<input type="checkbox"/> 660 Freedom of Information Act

# V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

# VI. RELATED/RE-FILED CASE(S).

(See Instructions second page)

a) Re-filed Case ☐ YES ☒ NO b) Related Cases ☐ YES ☒ NO

JUDGE

DOCKET NUMBER

# VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Trademark infringement and counterfeiting pursuant to 15 USC 1114

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

# VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

January 26, 2011

FOR OFFICE USE ONLY

AMOUNT

RECEIVED

IFP

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

(d) Choose one County where Action Arose.

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States District Courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or refiled cases. Insert the docket numbers and the corresponding judge's name for such cases.

**VII. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity.

Example:

U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VIII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**Date and Attorney Signature.** Date and sign the civil cover sheet.